

# CITY OF SUMAS

# ORIGINAL

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MAYOR-DON PETERSON  
CLERK-TREASURER-KATHRYN HARVEY

COUNCIL MEETINGS  
SECOND AND FOURTH  
MONDAY OF EACH MONTH

## Certificate of Water and Sewer Availability

**Project Name:** Sumas Energy Expansion Project

**Applicant/Owner:** Sumas Energy 2, Inc.  
335 Parkplace, Suite 110  
Kirkland, WA 98033

**Contact:** Bruce Thompson, Senior Vice President

**Project Location:** Hesselgrave Farm site, northwest of the intersection of SR 9 and Bob Mitchell Avenue, in Section 34, Township 41 North, Range 4 East, within the City of Sumas, Washington.

**Project Description:** Natural gas-fired combustion turbines, recovery steam generators and steam turbine generators to produce electrical energy for wholesale customers. The project will consume up to 849 gallons per minute (gpm) of water and discharge up to 260 gpm of effluent continuously.

**Anticipated Date of Service:** September 1, 2002 start of commercial operation.

**Term of Service:** 30 years from start of commercial operation, renewable by Owner or its successors for two additional 10-year terms.

**Utilities Availability:** Subject to the conditions set forth below, the City of Sumas will: supply the Project up to 1,053 acre-feet per year of industrial (nonpotable) process water delivered at a peak rate of 849 gpm; supply potable water for the Project's office space; and will accept up to 260 gpm of pretreated wastewater from the Project for disposal.

**Conditions:** It is expressly understood that the supply of utilities as set forth in this Certificate is conditioned upon the following:

1. If required by the City of Sumas, the execution of a developer extension agreement for the construction of offsite facilities necessary to deliver service as specified to the property line, including the following:

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- a. Construction of water lines of sufficient capacity to deliver required water volumes to the Project while simultaneously maintaining existing levels of service throughout the remainder of the City's water distribution system;
  - b. Construction of additional well(s), pump(s) and associated equipment at May Road Wellfield to fully utilize existing water rights capacity from that source;
  - c. Construction of additional well(s), pump(s) and associated equipment at Sumas Wellfield to fully utilize existing water rights capacity from that source;
  - d. Construction of sewer force main and sewer pump and/or lift station adequate to deliver the Project's wastewater to the City's sewer interconnection with the City of Abbotsford;
2. Execution of a water and wastewater utility services agreement between the City of Sumas and the Owner detailing the terms and conditions of utility services to the Project.
  3. Execution and authorization by the City of Sumas and Sumas Energy, Inc. (SEI) of amendments to the *Agreement for Utility Services* dated July 5, 1991, to reduce the yearly amount of water allocated to the SEI facility from 969 acre-feet to 751 acre-feet.
  4. Execution and authorization by the City of Sumas, the City of Abbotsford, and the Fraser Valley Regional District (FVRD) of amendments to the *Sumas Sewage Services Agreement* dated November 24, 1997 to increase the quantity of wastewater accepted by Abbotsford and FVRD sufficiently to include all of the Project's effluent<sup>1</sup>.
  5. Payment of all City fees and charges pursuant to City ordinances and resolutions, including but not limited to reimbursement of the City's engineering and consulting fees, costs of contracting with the City of Abbotsford and the FVRD, and hookup/connection charges, if any.
  6. Payment of general facilities charges for connection to the City of Abbotsford's wastewater treatment system.
  7. The obtaining of all necessary and/or required government approvals, including but not limited to, all licenses, permits, authorizations and approvals from any and all governments or governmental agencies, as well as compliance with all laws, including but not limited to, all statutes, codes, ordinances, rules, or regulations. The City makes no representations, express or implied, that the Owner will be able to obtain the necessary permits and approvals necessary for the Owner to utilize the utility service which is the subject of this Certificate. The City makes no representations, express or implied, that it or the Owner will be able to obtain all the permits, approvals and authorizations necessary to expand the City's utility capacity as set forth above, or to obtain such within any time or date certain to be able to utilize the utility service which is the subject of this Certificate.

<sup>1</sup> The City of Sumas has been informed by representatives of the City of Abbotsford that this agreement can be so amended without any significant infrastructure requirements or environmental approvals. Legal authority for the amendment must be obtained from the FVRD and the City of Abbotsford.

This Certificate is valid for a period of five years from the date of signature. This Certificate, and the representations contained herein, while believed to be accurate, do not create or give rise to any liability on behalf of, or against, the City of Sumas.

I hereby certify that the above water purveyor information is true.

CITY OF SUMAS

  
by Don Peterson, Mayor

November 24, 1999  
Date

Authorized by Resolution No. 539, dated Nov. 22, 1999

## Resolution No. 539

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SUMAS,  
WASHINGTON, AUTHORIZING THE MAYOR TO ISSUE A CERTIFICATE OF  
WATER AND SEWER SERVICE AVAILABILITY TO SUMAS ENERGY 2, INC.

WHEREAS Sumas Energy 2, Inc., ("SE2") proposes to develop an electric cogeneration facility within the City of Sumas and has requested that the City of Sumas provide water and sewer service for the facility; and

WHEREAS SE2 would be a very large utility customer, consuming as much as 1.2 million gallons per day of water and producing as much as 375,000 gallons per day of effluent; and

WHEREAS Sumas is only capable of providing the requested utility services if the City's existing sewage service agreement with Abbotsford is augmented and certain improvements are made to the City's water production and delivery systems; and

WHEREAS the SE2 facility will provide numerous benefits to the local, regional and state economy; now therefore

BE IT RESOLVED by the City Council of the City of Sumas, Washington as follows:

**SECTION 1.** The Mayor is authorized to issue a certificate of water and sewer availability to SE2, provided the certificate clearly states that availability of utilities is contingent upon the City of Sumas' ability to contract with Abbotsford for the necessary sewer service.

ADOPTED by majority vote of the City Council of the City of Sumas, Washington, at a regular meeting of said Council held the 22<sup>nd</sup> day of November, 1999.

ATTESTED/AUTHENTICATED:

  
Kathryn Harvey, City Clerk

I hereby APPROVE and CONCUR with Resolution No. 539

  
Don Peterson, Mayor

APPROVED AS TO FORM:

  
James Wright, Assistant City Attorney